

DECLARATION OF MICHAEL J. BERRIGAN

Pursuant to 28 U.S.C. 1746, I, Michael J. Berrigan, hereby declare:

1. I am the Principal Deputy Chief Defense Counsel at the Office of Military Commissions, Defense (OMC-D). The statements made herein are based on my personal knowledge and information made available to me in my official capacity.

2. On 21 April 2009 I, along with two other senior leaders from OMC-D, met with Matthew Olsen and Jay Bratt, both of the U.S. Department of Justice. Matthew Olsen is the Executive Director of the Guantanamo Review Task Force ("Task Force") and Jay Bratt is a principal assistant to Mr. Olsen. The purpose of the meeting was to obtain information about the review process as it relates to the possible continued prosecutions of any of the 22 clients represented by counsel assigned to, and appointed and supervised by, OMC-D.

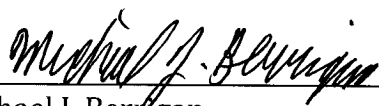
3. At the meeting we were informed that by the end of the week of 21 April 2009 the Task Force would have about 16 prosecutors working to prepare recommendations for the review panels. We were told that it was hoped that "preliminary assessments" on the 22 cases with OMC-D counsel would be received by the review panel in "a couple weeks." There was no definite deadline for this preliminary process. It was not clear from the meeting whether "final" decisions would be made by 20 May 2009.

4. We were informed at the meeting that, at that time, the two cases the Task Force was most concerned about were Omar Khadr and Almed Mohammed Ahmed Haza al Darbi, because of scheduled trial dates that were pending in the military commissions at the time the 120 day initial stay was granted. I am personally aware that the government has requested an additional delay of 120 days in both of those cases.

5. The Task Force indicated that they did not view the case of Mohammed Jawad as particularly time sensitive because of the existence of the interlocutory appeal. Specifically, the Task Force appeared to be giving lower priority to Mr. Jawad's case simply as a result of the procedural posture of the case and not as a result of any other concern such as the many mitigating factors, the relative simplicity of the case, the length of detention, or the age of Mr. Jawad.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 19 May 2009.



Michael J. Berrigan